

Customer No.: 31561
Docket No.: 10948-US-PA
Application No.: 10/605,917

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed on March 21, 2007. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

Present Status of the Application

Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Deog-Soo Kang (U.S. Patent No. 6,333,684, hereafter "Kang").

In response thereto, Applicant has amended claims 1, 13 and 14 to more clearly define the present invention and to further distinguish the present invention from Kang. Applicant has also amended claims 13 to correct typo error without entering any new matter. It is believed that the amendments are well supported by the specification and do not construct any new ground or necessitate any new search.

After entry of the foregoing amendments, Applicant respectfully submits that the presently pending claims are already in condition for allowance. Reconsideration and withdrawal of the Examiner's rejection are requested.

Discussion Regarding Rejections under 35 U.S.C. 102(b)

Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Kang. Applicant respectfully traverses the 102(b) rejection of claims 1-14 for at least the reasons indicated hereinafter.

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In order to properly anticipate Applicant's claimed invention under 35 U.S.C 102, each and every element of claim in issue must be found, "either expressly or inherently described, in a single prior art reference". "The identical invention must be shown in as complete details as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 868 F. 2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)."

The present invention is in general related to a portable computer equipped with an embedded controller (EC) having a security mechanism operable with a method comprising the following steps as claim 1 recites:

"A portable computer equipped with an embedded controller (EC), the EC being equipped with a security mechanism operable with a method comprising steps of:

providing a key that provides a key signal to allow the EC to learn whether the portable computer is locked;

turning on the security mechanism while the EC receives the key signal indicating that the portable computer is locked;

determining only by the EC whether a hacking action is taking place; and

activating a security action in responding to the hacking action."

(Emphasis added)

Kang fails to disclose, teach or suggest the feature of "determining only by the EC whether a hacking action is taking place" proposed in claim 1. With reference to FIG. 3 and descriptions in col. 4, lines 5-19 of Kang, it reads, "when the central

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processing unit 3 receives a message interrupt signal generated in step S317, ...in step S319. At this time, if it is determined at step S321 that the paged message indicates "This portable computer is lost property", "This portable computer is stolen property", or a message of similar nature of being lost or stolen, the operation of the portable computer is stopped while the message is displayed on the LCD 5, in step S323. If the page message is not related to being lost or stolen, the pager security routine ends here in step S321." That is to say, in step S321 of Kang, a message conveying the fact of being lost or stolen is issued by a pager at first, and thereby a central processing unit (CPU) of the portable computer determines whether the system operation is to be stopped or not. Accordingly, the pager and the CPU are both required by Kang for proceeding to said determination.

Nevertheless, in the instant application, the determination is made merely by the EC, which is evidenced in both the Applicant's amended claim 1 and the description in paragraph [0016] of the present invention, reciting "the EC 102 determines that the portable computer 10 is hacked or is being hacked", the EC 102 turns on a security function as demonstrated in step S212 ..."

In light of the foregoing, Kang does not teach every element recited in Applicant's amended claim 1. Accordingly, claim 1 is submitted to be novel and patentable over Kang, or any of the other cited references, taken alone or in combination, and thus Applicant's claim 1 as amended should be allowed. Likewise, after entry of the amendments indicated hereinbefore, the rejection of claims 13 and 14 are not legally viable and should be withdrawn since they patently define over the prior art of record.

Because independent claim 1 is allowable over the prior art of record, its dependent

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claims 2-12 are allowable as a matter of law, for at least the reason that these dependent claims contain all features/elements/steps of their independent claim 1. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

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CONCLUSION

For at least the foregoing reasons, it is believed that the pending claims 1-14 are in proper condition for allowance, and an action to such effect is earnestly solicited. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

Date :

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Respectfully submitted,

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